SHRI PAWAN KUMAR BANSAL: Madam, Zero Hour, of course, comes after the Question Hour.

THE DEPUTY CHAIRMAN: Then, we have not even finished the Question Hour.

THE DEPUTY CHAIRMAN: Then, we have not even finished the Question Hour. You speak at 12 o'clock. We have not reached the Zero Hour. *(Interruptions)*.

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): The questions are not being allowed...You are supposed to protect the Members. I wanted answers to questions on Bofors.

THE DEPUTY CHAIRMAN: Shri Vishwasrao Ramrao Patil to lay the Report.

REPORT OF THE RAILWAYS CONVENTION COMMITTEE

SHRI VISHWASRAO RAMRAO PATIL (Maharashtra): Madam, I beg to lay on the Table a copy (in English and Hindi) of the First Report of the Railway Convention Committee on 'Rate of Dividend for 1990-91 and other ancillary matters'.

BUDGET (PUNJAB) 1990-91

THE MINISTER OF FINANCE (PROF. MADHU DANDAVATE): Madam, I beg to lay on the Table a statement (in English and Hindi) of the estimated receipts and expenditure of the Government of Punjab for the year 1990-91. *(Interruptions)*

SHRI SYED SIBTEY RAZI (Uttar Pradesh): Madam, I am on a point of order. *(Interruptions)*

THE DEPUTY CHAIRMAN: You have enough time to discuss when we are discussing Punjab Please. ...*(Interruptions)*. The Prime Minister is here. The Home Minister is here. The Finance Minister is here. The entire Government is here. They have heard you. And I am sure they have taken note of it. Please take your seat.

SHRI PAWAN KUMAR BANSAL (Punjab): It is not a question of the Government taking note of it. It is a very basic question that I am putting. It is not the question of Government taking note of it. I want you to give your ruling on that. *(Interruptions)*.

SUPPLEMENTARY DEMANDS FOR GRANTS (PUNJAB); (1989-90

THE MINISTER OF FINANCE (PROF. MADHU DANDAVATE): Madam, I beg to lay on the Table a statement (in English and Hindi) showing the Supplementary Demands for Grants for expenditure of the Government of Punjab, for the year 1989-90. *(Interruptions)*.

SHRI PAWAN KUMAR BANSAL (Punjab): Madam, I seek your protection. The matter is not a simple one like that. It involves a constitutional question.

SHRI N. K. P. SALVE (Maharashtra): Madam, give me half a minute.

THE DEPUTY CHAIRMAN: I can give him half a minute. Please take your seats.

SHRI N. K. P. SALVE: Madam whereas we realise that we have exceedingly important business to discuss in the House for which we have suspended the Question Hour, it is not possible for us to throw the Constitutional propriety to the winds completely. A valid question is raised on which you will have to give a ruling, Madam, and it is that when the Presidential rule is to end in May in Punjab, is the Finance Minister entitled to give a Budget for the entire financial year 1990-91? Supposing there is election thereafter. What

happens? Would it not amount to divesting the State Assembly of its right to make its own Budget? It is a very crucial, important question on which I seek your ruling, Madam.

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): It is a very good question on which you should give your ruling.

THE DEPUTY CHAIRMAN: Mr. Salve, you are a very senior Member of this House, and I am happy that you made a point before the Finance Minister and the Prime Minister. And you will have ample time to say this when we are going to discuss it.

SOME HON. MEMBERS: No. *(Interruptions)*.

SHRI PAWAN KUMAR BANSAL: Madam, kindly do not bulldoze us like this. It is not the point that there exists a Constitutional provision and all that the Government has to do is to come forth with another Resolution. It is not so. It is not that simple that we can just extend the President's rule. It is a case involving the amendment of the Constitution. *(Interruptions)*

SHRI N. K. P. SALVE: Let us know their views on this. *(Interruptions)* Madam, it is an extremely important and crucial Constitutional issue. Can he tell us that there is going to be President's rule for the entire year? Here, he is placing the Budget for the State for the whole year. It hinges on the question of quasi-federal relationship. Are we going to make Budgets for the States without there being President's rule? I think we will be committing a grave Constitutional impropriety outraging the cardinal principles of federalism which exists. It is a financial matter. One of the reasons why there are differences between the Centre and the States is imbalance fiscal imbalance. Well, if they say 'Conditions are such that we are going to have President's rule for the year 1990-91, I have really nothing to say. If that is not so, I think they are putting the cart before the horse. They should make up their mind as to what they are going to do in regard to Punjab, whether they are going to extend the President's rule. Then and then alone they can come forward with this kind of thing. This is my respectful submission.

Madam, we do realise the seriousness of the situation. We do agree that top priority has to be given to the Jammu and Kashmir issue. But this is an important matter on which adequate care should have been taken by the Finance Minister. *(Interruptions)*

THE DEPUTY CHAIRMAN: I think I have ruled that when we discuss it, you can ask him questions. At that time, he will be liable to answer. *(Interruptions)* There is no procedure whereby I can allow you or him to answer. Now, let us go ahead with the Resolution. *(Interruptions)*

SHRI N. K. P. SALVE: You can direct him to reply. *(Interruptions)*

SHRI PAWAN KUMAR BANSAL: I am objecting to his action, Madam.

THE DEPUTY CHAIRMAN: I cannot say that you should not object. You are free to object. This is democracy. You can object.

SHRI PAWAN KUMAR BANSAL: They are flouting the Constitution. *(Interruptions)*.

THE DEPUTY CHAIRMAN: The Leader of the House is on his legs. Let us listen to him.

THE LEADER OF THE HOUSE (SHRI M. S. GURUPADASWAMY): Madam, the observations that have been made now on this issue can be made and questions can be raised at the time when this matter comes up for discussion.

SHRI S. S. AHLUWALIA (Bihar): No. *(Interruptions)*

SHRI PAWAN KUMAR BANSAL: The child is not conceived after it is born. (*Interruptions*)

SHRI M. S. GURUPADASWAMY: I have not completed, Madam. (*Interruptions*)

SHRI SUBRAMANIAN SWAMY: They have not made up their mind on anything. (*Interruptions*)

SHRI M. S. GURUPADASWAMY: We have made up our mind. You have not made up your mind. Your mind is so flexible. What can I do? (*Interruptions*)

THE DEPUTY CHAIRMAN: Mr. Subramanian Swamy, please sit down. Let him complete. (*Interruptions*)

SHRI M. S. GURUPADASWAMY: May I tell my friend Mr. Swamy that my mind is not so elastic as his? (*Interruptions*) Madam, I would like to say that all these questions become relevant when the matter is taken up for discussion. This is my submission. (*Interruptions*)

SOME HON. MEMBERS: No.

SHRI M. S. GURUPADASWAMY: Not at this stage. (*Interruptions*)

SHRI N. K. P. SALVE: How will it become relevant after the statement is laid on the Table of the House containing the estimated receipts and expenditure? We are on the question of his right. It is a delicate question of Constitutional propriety of making this kind of statement of estimated receipts and expenditure. After this is laid on the Table of the House, what do we do? (*Interruptions*)

SHRI PAWAN KUMAR BANSAL: Madam, kindly put it off for the present. Let the Government think about this and come forward with amended Vote on Account. Let the Government have a rethinking on this. (*Interruptions*)

SHRI M. S. GURUPADASWAMY: We are placing the Budget for Punjab as such. There is President's rule there now. There is no Legislature.

SHRI PAWAN KUMAR BANSAL: President's rule will be there only for two months.

SHRI JAGESH DESAI (Maharashtra): You should have the Budget only for these two months and not for the whole year. (*Interruptions*)

SHRI M. S. GURUPADASWAMY: We are not forestalling the right of the Legislature which is not existent today. Let me make it very clear to you. When the Punjab Legislature meets... (*Interruptions*). Mr. Salve, will you bear with me for a moment? When the Punjab legislature meets even in the middle of the year, they can take a view on this. (*Interruptions*).

SHRI SURESH KALMADI (Maharashtra): Please postpone it for a day.

SHRI N. K. P. SALVE: What prevents them from having Vote on Account for two months? They can have a Vote on Account for two months. (*Interruptions*). We are not raising this point purely to score debating point. It is a question of very important constitutional propriety and I would request the Finance Minister to reconsider the matter and not press for laying the budget today on the Table of the House.

THE DEPUTY CHAIRMAN: I am sorry to say that it has already been laid and it was laid in the Lok Sabha also.

SHRI N. K. P. SALVE: Is it laid in Lok Sabha?

THE DEPUTY CHAIRMAN: Once it is laid on the Table, the matter is closed. Let us go to other serious matter. (*Interruptions*). I am not bulldozing. Please be reasonable, take your seat. You will have ...

(*Interruptions*). It has already been laid, it cannot be withdrawn. Please take your seat. You have made your point. You have been heard enough. Please take your seat. I gave ruling, Mr. Salve, that already it has been laid on the Table and then you will have ample time for discussion. You will have ample time at that time. (*Interruptions*). You cannot challenge the ruling of the Chair. Take your seat. Do you want to discuss Kashmir or Punjab? If you want to discuss Punjab, I have no objection. You want to discuss what?

SHRI SYED SIBTEY RAZI (Uttar Pradesh): Kindly allow me to make my point of order. Please permit me for a moment to raise a very relevant point of order. I am on another point. I have been trying to catch your eye but...

THE DEPUTY CHAIRMAN: If I knew that you are going to suspend the Question Hour to have your point of order, I am sorry...

SHRI SYED SIBTEY RAZI: Please permit me for a moment to raise a very relevant point of order. I have been a very disciplined Member of this House. Please do not make me an undisciplined one. At least give me half a minute.

THE DEPUTY CHAIRMAN: You were not there when we took a decision. There is no point of order.

श्री सैयद सिब्ते रजी : महोदया, आपने बड़ी मेहरबानी फरमाकर क्वेश्चन आवर को पोस्टपोन किया । मैं आपसे यह कहना चाहूंगा कि इसकी वजह क्या है । वजह सबसे ज्यादा यह थी कि आज काश्मीर जल रहा है । काश्मीर के हालात बहुत खराब हैं । सरहद के पार से हम पर हमला होने की तयारियां हो रही हैं, लोगों को बहुत ज्यादा आतंक का सामना करना पड़ रहा है । सवाल इस बात का है कि जब एक दूसरे मुल्क ने करारदाद भी हमारे खिलाफ पास कर दिया है, क्या यह सीरियसनेस होगी कि हम दूसरे बिजिनेसेज को लें और अपने एजेंडा में नम्बर दो पर रखें । मेरा आपसे कहने का मतलब यह है कि... **(व्यवधान)**

THE DEPUTY CHAIRMAN: Mr. Razi, I think more than one minute is over. I heard you. We are doing it provided everybody kept quiet.

श्री सैयद सिब्ते रजी : काश्मीर को टाप प्रायोरिटी देनी चाहिए । पहला स्टेटमेंट होम मिनिस्टर का काश्मीर पर होना चाहिए । वक्त का तकाजा यही है कि सबसे ज्यादा आप इस पर बहस करें उसके बाद किसी दूसरे के ऊपर जायें... **(व्यवधान)** और यह मौका फाइनेंस मिनिस्टर साहिब को मिलेगा, व कल दो महीने के लिए नये वजट के साथ आ सकते हैं. . **(व्यवधान)**

THE DEPUTY CHAIRMAN: We are going to do it. You were not here when we suspended the Question Hour. (*Interruptions*). You want my ruling. Please sit down. You wanted my opinion. We suspended the Question Hour to discuss Kashmir, but whatever the regular business, we have to go through. We have to lay certain papers on the Table of the House whether there is Question Hour or no Question Hour.

SHRI SYED SIBTEY RAZI: You have suspended the Question Hour. You must ...

THE DEPUTY CHAIRMAN: You take your seat. What he says will not go on record.

SHRI SYED SIBTEY RAZI: * (*At this stage, the hon. Member left the Chamber*)

THE DEPUTY CHAIRMAN: I am sorry I have to say that you are not understanding the seriousness. It is the members of the Congress Party who are deciding not to discuss Kashmir.

*Not recorded

DR. RATNAKAR PANDEY (Uttar Pradesh): Please do not name us.

THE DEPUTY CHAIRMAN: We are going ahead with Kashmir. I agreed with every thing. Why are you disturbing the House? Please take your seats.

SHRI SURESH KALMADI: Madam, both are important.

THE MINISTER OF STEEL AND MINES WITH ADDITIONAL CHARGE OF THE MINISTER OF LAW AND JUSTICE (SHRI DINESH GOSWAMI): The Finance Minister is asking for a vote on account for six months. Unfortunately the statement has not been made.

डा० रत्नाकर पाण्डेय : महोदया, कश्मीर पर चर्चा... **(व्यवधान)**

श्री सुरेन्द्रजीत सिंह अहलूवालिया : महोदया, इस में कश्मीर पर चर्चा होनी चाहिए।

डा० रत्नाकर पाण्डेय : कश्मीर पर चर्चा होनी चाहिए। यह सब पेपर्ज वापिस लिये जाएं और कश्मीर पर चर्चा करवाई जाए। जो पेपर्ज ले किये गये हैं, उन्हें वापिस करिए और कश्मीर पर चर्चा करवाइये।... **(व्यवधान)**

डा० बापू कालदाते (महाराष्ट्र) : पंडित जी आप वापिस जाइये।

श्री सुरेन्द्रजीत सिंह अहलूवालिया : सरकार कम से कम यह बात बताये कि पंजाब में.... **(व्यवधान)** जो वहां पर राष्ट्रपति शासन लागू था, और उसके बाद ... **(व्यवधान)** हमने वापिस लिया था। यह बात सरकार क्लियर क्यों नहीं करती है?

डा० रत्नाकर पाण्डेय : सारे पेपर्स वापिस लिये जायें।

THE DEPUTY CHAIRMAN: He is on his legs. Please take your seat.

PROF. MADHU DANDAVATE: I respect Shri Salveji who has raised a point. Only if they had asked me to read out a passage from the statement, the point would have been clear. Paragraph 8 in my statement says: "While, as required, the annual financial statement for the year 1990-91 has been laid before the House and the connected..." Just listen to me..."Demands for Grants are also being circulated to the hon. Members along with the Budget Papers, I am at this stage seeking a vote on account for the first six months of the financial year..."

श्री राम नरेश यादव (उत्तर प्रदेश) : महोदया, इसका मतलब है कि सरकार जानबूझकर ... **(व्यवधान)** जो राष्ट्रपति शासन लागू हुआ दो महीने का; उसको आगे बढ़ा कर छह महीने तक के लिए ... **(व्यवधान)**

SHRI N. K. P. SALVE: Does it I raised this point after reading the item. He cannot do for six months.

SHRI N. K. P. SALVE: Does it take care of the objection we have raised, Mr. Law Minister? Be very fair. What he has read, does it take care of the objection we have raised? Firstly, do tell us whether the point we have raised is valid or not. In view of the Fifty-ninth Amendment of the Constitution, it is still a moot point whether the Presidential rule could be valid or not. But I am not raising that point. Assuming for a moment, without conceding, that it is a valid Presidential rule, he is saying that it is for six months. Does it take care of the objection we have raised? Will he give the reason? It cannot be an ex cathedra pronouncement. What reason do you give to say that when the Presidential rule is to terminate sometime in May, he is entitled to come for a vote on account for six months?

THE MINISTER OF INFORMATION AND BROADCASTING AND

PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): There is no bar. It is the discretion of the House.

SHRI N. K. P. SALVE: There is no bar to your making a budget of a State, Mr. Upendra? The elementary principle is if there is no bar to your making a budget of a State over which you have no jurisidiction, why have Presidential rule?

SHRI M. S. GURUPADASWAMY: May I clarify? Madam, he has raised a valid point. I would like to say that it is purely a vote on account. I am not going into this question because I am only meeting your point. If it is only a vote on account for a few months on account of the fact that President's rule is ending on a particular date, the problem will arise that all the new developmental programmes cannot be taken up. In a vote on account, only continuation of programmes can be taken up, am I right?

SHRI PAWAN KUMAR BANSAL: Madam, it is not so. We are for the development of the State.

SHRI M. S. GURUPADASWAMY: I am not touching that point at all. I am only meeting his point; I am not touching this point... (*Interruptions*) ...New programmes for development cannot be taken up under Vote on Account. That is number one... (*Interruptions*)... I have not finished yet. Madam, you are well aware that when the State Legislature is elected sometime, it is not prevented from making changs in its own budget. We are not forestalling any issue at all—I have made that clear. The State Legislature is sovereign in its own right to make its own budget. It can make it when it is elected. It can make changes also.... (*Interruptions*).

SHRI N. K. P. SALVE: Madam, it is true...

THE DEPUTY CHAIRMAN: Just a minute, please. I want to ask the honourable Members if they are satisfied or not satisfied. Are we going to discuss the satisfaction of this side or that side or are we going to continue with some other business for which you have suspended the Question House?. . . (*Interruptions*) . . .Supposing you are not clear and you are going to continue, I have no objection. ... (*Interruptions*)... I have to sit here or are you to sit here?... (*Interruptions*)

SHRI SURESH KALMADI: Madam you direct the Government. It is well within your right to direct the Government. Why can't they do it? (*Interruptions*)

SHRI PAWAN KUMAR BANSAL: It is not ... (*Interruptions*).

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Madam, I beg of you and the Opposition Benches kindly to consider the situation of Kashmir, which is very, very grave... (*Interruptions*)

SHRI SURESH KALMADI: Punjab can be discussed tomorrow.

SHRI SUBRAMANIAN SWAMY: Punjab can be taken up tomorrow. There is a constitutional point which has to be answered. Let them do their homework and then say... (*Interruptions*)...

THE DEPUTY CHAIRMAN: We are not discussing Punjab, I might remind the Members. He is only laying the papers. ...(*Interruptions*)...He is laying the budget. ...(*Interruptions*)...

SHRI K. V. THANGKABALU (Tamil Nadu): For laying itself there is objection.

श्री अजीत जोगी (मध्य प्रदेश) : (व्यवधान) ... पेपर उसके बाद ले होना था ।

उपसभापति [illegible] लीजिए, [illegible] रहेगा। [illegible] [illegible] [illegible] बनवेसेरी [illegible]

Will the House allow me to move a Resolution from the chair on Nelson Mandela or not? That is, if you want me. Otherwise I can suspend that also.

SOME HON'OURABLE MEMBERS: We want it.

SHRI K. P. THANGKAPALU: Punjab tomorrow.

RESOLUTION WELCOMINGG RELEASE OF NELSON MANDELA FROM PRISON IN SOUTH AFRICA

THE DEPUTY CHAIRMAN: This House —

1. warmly welcomes the release of the great freedom fighter Nelson Mandela after 27 years in South African prisons, during which period his dignity and indomitable spirit became a source of inspiration and strength not only for the suffering majority of the people of South Africa but also for the downtrodden and exploited people in the world;

2. draws the attention of the international community to the fact that even with the release of Dr. Mandela, other steps necessary to create a climate for negotiations for the dismantlement of apartheid have yet to be taken;

3. urges the international community to maintain pressure through sanctions on the South African regime in order to steer it towards negotiations;

4. reiterates India's commitment to the eradication of apartheid, which is based on national consensus evolved from the days of India's freedom struggle and Mahatama Gandhi's experiments with non-violent opposition to forces of racism and imperialism in South Africa itself;

5. notes with satisfaction the acceptance by Nelson Mandela of the invitation of the Prime Minister to visit India;

6. welcomes the establishment of the Nelson Mandela National Reception Committee, consisting of prominent citizens from all walks of life in India, with the Prime Minister as its Chairman; and

7. resolves to give Nelson Mandela a befitting welcome when he visits India.

The Resolution was adopted

STATEMENT BY MINISTER

Situation in Jammu and Kashmir

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Bofors. I will raise tomorrow.

THE DEPUTY CHAIRMAN: You are an irrepressible person.

I think the statements we will take up tomorrow.

THE MINISTER OF STEEL AND MINES WITH ADDITIONAL CHARGE OF THE MINISTRY OF LAW AND JUSTICE (SHRI DINESH GOSWAMI): What about item No. 4?

THE DEPUTY CHAIRMAN: We will not take it up now. Everybody wants to discuss the Kashmir issue. We will discuss it.

SHRI DINESH GOSWAMI: I am on another point. If I lay it on the Table of the other House, it is incumbent on my part that I should lay it on the Table of this House also. You permit me to lay it later on. I don't mind, even after the Kashmir debate.